

**REMARKS**

The Office Action and the cited and applied reference have been carefully reviewed. No claim is allowed. Claims 18-29 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Non-elected claims 14-17 and 30-53 are cancelled without prejudice to refiling in a divisional application.

Claims 13, 20, 23, 26 and 29 have been objected to. This objection is obviated by the amendment to claims 20, 23, 26 and 29 and the cancellation of claim 12 without prejudice.

Claims 1-13 and 18-29 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is obviated by the amendment to claims 18-29 and the cancellation of claims 1-13.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1-13 and 18-29 have been rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. This rejection is obviated by the insertion of "isolated" into claims 18-29 and the cancellation of claims 1-13 without prejudice.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

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Claims 1-13 and 18-29 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement for the recitation of "or a portion thereof" in claims 1-8, "one or several amino acids are deleted, substituted or added" in claims 3, 7, 19, 22 and 25, "and/or" in claims 18-29 and "that binds to human MCP-1 and inhibits the biological activity" in claims 1-8 and 18-29. This rejection is obviated by the amendment to claims 18-29 and the cancellation of claims 1-13.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1-13 and 18-29 have been rejected under 35 U.S.C. §112, first paragraph, for lack of written description of "gene fragment" and "one or several amino acids are deleted, substituted or added". This rejection is obviated by the amendment to the claims and the cancellation of claims 1-13.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1, 5 and 9-13 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hiestand et al., WO 02/02640. This rejection is made moot by the cancellation of claims 1-13 without prejudice.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their

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allowance. Favorable consideration and early allowance are  
earnestly urged.

Respectfully submitted,

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